IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7927 OF 2005

Rajesh Vijaysingh Padode .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.R.F.Lambay i/b. Lambay & Co. for applicant
Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th December 2005.

P.C.

. Prayer clause (a) of the application reads as under:-

"(a) that the order dated 17th May 2002 be modified to the extent that the applicant be permitted to go abroad and for that purpose, respondent No.2 be directed to return the applicant's

passport being Passport No.Z-008582 issued on 13/4/1999 at Mumbai on such terms and conditions as this Hon'ble Court may deem fit and proper"

2. Mr.Lambe, learned Counsel appearing for applicant invites my attention to the order dated 17th May 2002 (Annexure A to the Application Nl.1837 of 2002). Admittedly this Court was considering application of present applicant who was apprehending arrest in connection with C.R.No.174 of 2001. In my view, this order being an order granting anticipatory bail, it necessarily operates till filing of charge sheet before regular court. Mr.Mirza, A.P.P. states that the charge sheet has indeed been filed. In this view of the matter, Mr.Lambe does not press prayer clause (a) but prays for liberty to apply for relief in terms thereof before regular court. Pleas raised in this application are kept open for being raised before the regular Court.

3. Urgency is that tommorrow applicant intends to go abroad and one of the condition imposed by this Court is that applicant should surrender his passport to G.B.C.B., C.I.D. and the passport would not be returned back to him without appropriate orders from this Court.

4. This condition has been modified by earlier orders. My attention to which has been invited by Mr.Lambay. Mr.Mirza has no objection if the passport is returned to the applicant for a temporary period with a view to enable him to go abroad tomorrow or such other date as his tour programme indicates. However, Mr.Mirza states that the applicant has not furnished details of his tour abroad with proper address and contact numbers. Mr.Lambay states that such details would be furnished before the passport can be released to the concerned enquiry officer and only upon such details being furnished it should

be released.

5. In the light of the statements made by Mr.Mirza as well as Mr.Lambay, no orders need be passed on application save and except direction to the investigating authority to release applicant’s passport with a view to enable him to travel abroad, upon his furnishing such details as are stated and said passport be returned temporarily for a period of three weeks from the date of departure. Hence, following order:-

i) Applicant’s passport be returned to him on his furnishing relevant details to the satisfaction of I.O.

ii) It is clarified that passport is released on the same terms and conditions as imposed in the earlier order of this Court.

iii) This order will not prejudice the rights and contentions of the applicant in seeking appropriate orders from trial court in terms of prayer clause (a) of this application.

iv) Liberty to apply.

v) All parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)